

**REMARKS/ARGUMENTS**

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Previously submitted claims 22-39 have been cancelled in favor of new claims 40-47. Claims 40-47 have been drafted so as to comply with the formal requirements of 35 USC 112, second paragraph and define over the cited and applied prior art references.

Independent claim 40 sets forth a pylon and a pylon attachment rotatably seated on the pylon. Claim 40 further specifies that a rotary element is mounted for rotation in the pylon attachment and a plurality of hydraulic pumps are mounted in the pylon attachment. A transition element is positioned between the rotor element and the hydraulic pumps for drivingly connecting the rotor element to the plurality of pumps. Each pump has an output which is selectively connected to an output line by regulation means as a function of the power output of the rotor element. Claim 40 further specifies a plurality of generators and/or loads having connection elements for connecting same to the output line. Finally, claim 40 specifies a monitoring unit for selectively connecting the generators or loads to the output line as a function of the output in the output line from the plurality of pumps. Neither of the prior art references taken alone or in combination teach, disclose or render obvious the claimed subject matter of independent claim 40.

The primary reference, the '017 patent, is deficient in that it does not disclose a plurality of hydraulic pumps arranged in a pylon attachment as claimed. Furthermore, while the '017 patent does teach the common rotating shaft for driving a plurality of pumps, the '017 patent does not disclose a

regulation means as claimed. The regulation means has a specific advantage in that it can insure the rotor element rotates at a constant speed regardless of how windy it is. In this regard see Page 13 of the specification. Furthermore, the '017 patent does not disclose the combination or plurality of generators and/or loads connected to the output of the pumps with the claimed monitoring unit.

The secondary reference, the '092 patent, fails to cure the deficiencies noted above. Initially, the '092 patent constitutes non-analogous art. The '092 patent does not deal with wind power machines. Be that as it may, even if the '092 patent were combined with the primary '017 patent the resulting structure would not meet the limitations of independent claim 40. Accordingly, it is believed that claim 40 and the claims which depend there from are patentable over the prior art.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

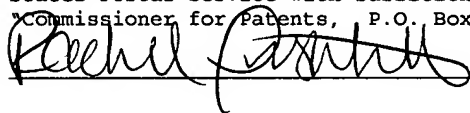
Thomas Nikolaus

  
By \_\_\_\_\_

Gregory P. LaPointe  
Attorney for Applicant  
Reg. No. 28,395  
Tel: (203) 777-6628  
Fax: (203) 865-0297

Date: December 16, 2005

I, Rachel Piscitelli, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on December 16, 2005.

  
\_\_\_\_\_  
Rachel Piscitelli